

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Docket No. 1:04-CR-10194-RCL

UNITED STATES of AMERICA

v.

FRANCIS MUOLO, Anthony  
Bucci and David Jordan,  
Defendants.

MOTION TO IMPOUND  
(AMENDED)

NOW COMES Kevin L. Barron, CJA counsel to defendant, and moves for an order impounding certain expert reports pursuant to LR 7.2. Counsel believes there is good cause that an impoundment order issue and should not be lifted because the relevant material contains psychological test data and psychiatric information. The information should be released to counsel as the court requires, subject to protective order. Counsel seeks leave hereby to move *ex parte* for a protective order on terms the Court deems just if this motion is granted. In accordance with L.R. 7.2 (c), there should be no cut-off date for the order sought in this motion; once the judgment of this action becomes final as to all defendants and collateral review has concluded (or time for the same has expired), material not specifically released from impoundment should be returned to counsel for destruction. This request should not be construed as a blanket order of impoundment. L.R. 7.2(e). It is intended to apply only to anticipated expert psychiatric reports and a motion for a protective order.

Counsel certifies as follows in accordance with LR 7.1(a)(2)<sup>1</sup>: Counsel conferred today with AUSA Theodore Merritt and on previous occasions with AUSA John McNeil concerning the nature of the report to be impounded. After such conference, the government has no objection to the impoundment of the report.

Dated this 8<sup>th</sup> day of February, 2006 at Boston, Massachusetts.

/s./ Kevin L. Barron

Kevin Lawrence Barron 550712  
Attorney for Francis A. Muolo  
453 Washington Street 5B  
Boston, MA 02111-1325  
Tel. No. 617-482-6368  
Fax: 617-517-7711  
Email: [k@lawyerbarron.com](mailto:k@lawyerbarron.com)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Counsel certifies that he has served AUSA's McNeil & Merrit and co-counsel Michael Natola, Esq., and Thomas Drechsler, Esq., electronically with a true copy of this motion by the CM/ECF of this District today on February 8, 2006. No party requires service by mail.

/s./ Kevin L. Barron

Kevin Lawrence Barron BBO550712

---

<sup>1</sup>" *Motion Practice*. No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue." LR 7.1 (a)(2).